

CHAPTER 85

LAND DEVELOPMENT REGULATIONS: GENERAL PROVISIONS AND DEFINITIONS

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85.01 TITLE. Chapters 85 through 93 of this Code of Ordinances shall be known and may be cited and referred to as the Story County Land Development Regulations (2006), herein referred to as “the Ordinance.” *(Ordinance No. 215)*

85.02 SCOPE AND PURPOSE.

1. The Land Development Regulations Ordinance codified in these chapters was adopted in accordance with the Story County Development Plan, 2003, and as permitted and specifically authorized in Chapter 335 and Chapter 354 of the *Code of Iowa*, as amended. *(Ordinance No. 192)*

2. It is the purpose of the Ordinance to provide for a balance between the review and regulation authority of Story County governmental agencies concerning the division and subdivision of land and the rights of landowners. It is, therefore, determined to be in the public interest:

A. To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems outside corporate limits.

B. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city or the county is developing or enforcing land use regulations outside corporate limits.

C. To insure orderly development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, consistent with approved comprehensive and/or other specific area plans outside corporate limits.

3. The Ordinance is intended and designed to meet the specific objectives of Section 335.5, *Code of Iowa*, as amended. *(Ordinance No. 192)*

A. To preserve the availability of agricultural land;

B. To consider the protection of soil from wind and water erosion;

C. To encourage efficient urban development patterns;

D. To lessen congestion in the street or highway;

E. To secure safety from fire, flood, panic, and other dangers;

- F. To protect health and the general welfare;
 - G. To provide adequate light and air;
 - H. To prevent the overcrowding of land;
 - I. To avoid undue concentration of population;
 - J. To promote the conservation of energy resources;
 - K. To promote reasonable access to solar energy; and
 - L. To facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements.
4. The Ordinance is intended and designed to meet, to the greatest extent possible within its scope, the vision, goals, objectives, principles and policies of the Story County Development Plan, 2003, as amended. The general goals and more specific objectives of the Plan are as follows:
- A. To protect and preserve Story County's agricultural resources.
 - (1) Identify and preserve productive agricultural land for continued agricultural use.
 - (2) Implement planning policies to protect farms and farmers from urban influences that inhibit agricultural production.
 - (3) Encourage value-added agricultural practices that support sustainable economies.
 - B. To protect and preserve Story County's natural resources.
 - (1) Identify, preserve and expand critical natural areas, greenbelts and open space.
 - (2) Identify methods for improving and protecting water and air quality.
 - (3) Implement planning policies to protect and preserve sensitive natural areas and open space.
 - C. To promote and improve the mobility of Story County residents.
 - (1) Implement a County-wide transportation plan.
 - D. To foster cooperation and collaboration between rural and urban residents, and public and private enterprises that enhances the Quality of Life Assets in Story County.
 - (1) Maintain and enhance the high-quality system of education.
 - (2) Promote cooperation on economic development efforts to retain and attract businesses.
 - (3) Facilitate local government coordination of emergency services.
 - (4) Implement cooperative planning efforts among local governments to ensure orderly and efficient development at the fringes of Story County communities and to minimize urban/rural conflicts.

85.03 VALIDITY. If any section, subsection, sentence, clause, or phrase of the Ordinance is for any reason adjudged invalid, such adjudication shall not affect the validity of the remaining portions of the Ordinance. All other ordinances and parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

85.04 EFFECTIVE DATE. The Ordinance shall be in full force and effect from and after its passage and publication as required by law.

85.05 APPLICABILITY. The provisions of the Ordinance shall apply to any and all development of land in unincorporated Story County, Iowa, unless expressly and specifically exempted or provided otherwise in the Ordinance. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of the Ordinance. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in the Ordinance.

85.06 MINIMUM STANDARDS. The provisions of the Ordinance are the minimum standards necessary to accomplish the purposes of the Ordinance.

85.07 EXEMPTIONS. The following exemptions may apply to certain types of development located in unincorporated Story County; however, such uses shall not be exempt from the standards set forth in Chapter 87 – Land Division Requirements or exempt from adopted Floodplain Management Ordinance (codified in Chapter 80 of this Code of Ordinances). *(Ordinance No. 215)*

1. Agricultural Exemption. Except to the extent required to implement Section 335.37, *Code of Iowa*, no regulations adopted under the Ordinance apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. *(Ordinance No. 215)*

2. Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). No land use regulation contained in the Ordinance shall be enforced in a manner that violates the Federal Religious Land Use and Institutionalized Persons Act of 2000.

3. Utilities Exempt. No requirement, restriction, or regulation contained in the Ordinance shall be construed to control the type or location of any poles, towers, wires, gas mains, cables, or any other similar distributing or operating equipment of a public utility regulated by the Iowa Utilities Board.

(Ordinance No. 192) (Ordinance No. 215)

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85.08 DEFINITIONS. For the purpose of the Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word “shall” is mandatory, the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”

1. “Abutting” means adjacent to and sharing common property lines (including a single point of tangency), but not including properties separated by a road or road right-of-way or a publicly dedicated and approved easement. (See Figure 1)

(Ordinance No. 152)

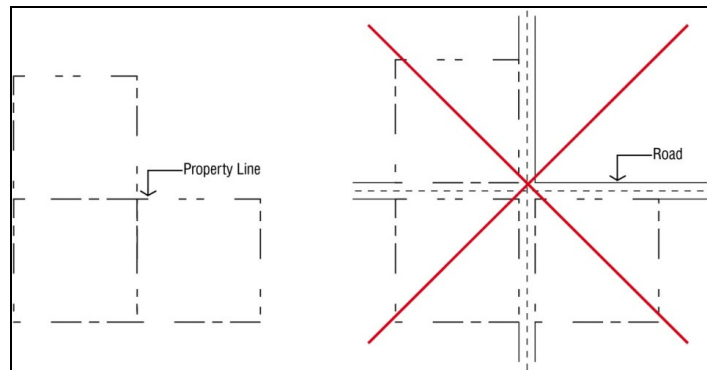


Figure 1 - Abutting

2. “Accessory use” means a use on the same lot, parcel, or tract with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(Ordinance No. 184) (Ordinance No. 192)

3. “Accessory structure” (building) means a structure detached from a principal building located on the same lot, parcel, or tract and customarily incidental and subordinate to the principal building or use. (See Figure 12)

(Ordinance No. 184) (Ordinance No. 192)

4. “Acquisition plat” means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

5. “Adult bookstore” means an establishment that has at least 50% of its stock in books, magazines or other periodicals, and paraphernalia and which excludes minors by virtue of age.

(Ordinance No. 192)

6. “Adult establishment or cabaret” means an establishment or cabaret that features exotic dancers, strippers, male or female impersonators, or similar entertainers and which excludes minors by virtue of age.

7. “Affiliate,” when used in relation to an operator, means another person who directly or indirectly owns or controls, or is controlled by, or is under common ownership or common control with the operator, or an operator’s principal partners, shareholders, or owners of some other ownership interest.

8. “Aggregated projects” are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project. *(Ordinance No. 152)*

9. “Agricultural land classification” means the following agricultural land classifications, determined from the Land Evaluation and Site Assessment (LESA) System as adopted for Story County, Iowa, and hereby established:

Table 85-1 – Land Classifications

LAND CLASSIFICATIONS	SA	LESA
“Low” Agricultural Value	0-172	0-221
“Moderate” Agricultural Value	173-188	222-266
“High” Agricultural Value	189-200	267-300

It is the intent of the Ordinance that land scoring 267-300 points on the LESA System is strongly encouraged for retention in agricultural use and/or non-agricultural development is strongly discouraged. It is the further intent of the Ordinance that the A-R, R-1, R-2, RMH, C, I-1 and I-2 Districts shall not be established on land scoring 267-300 points on the LESA System. *(Ordinance No. 208)*

10. “Agriculture – Crop Production” means the raising and harvesting of the following, including (but not limited to) crops, vegetables and melons; orchards; deciduous and evergreen tree farms; sod farms and other horticultural specialties such as bedding plants, bulbs and flowers grown under cover or outdoors.

11. “Agriculture – Livestock Production” means livestock production uses, including (but not limited to) pasture land or production facilities, either isolated or in conjunction with a farmstead, for the keeping, grazing or feeding of livestock for the sale of livestock or livestock products; animal specialties such as bees, fur-bearing animals and fish.

12. “Aliquot part” means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

13. “Anchor” means any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.

14. “Antenna” (antenna mounts) means any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and omnidirectional antennas, such as whips, but not including satellite earth stations.

15. “Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (See Figure 10) *(Ordinance No. 215)*

16. “Applicant” means a person submitting an application for development, subdivision, permit, or other required approval under the Ordinance. Applicant includes the owner of the property subject to the application or any person designated in writing by the owner to represent him or her. *(Ordinance No. 184)*
17. “Area, gross lot” means the entire area of a lot, parcel, or tract, often expressed in acres or square feet. (See Figure 3) *(Ordinance No. 192)*
18. “Area, net lot” means the gross area of a lot, parcel, or tract less that area comprised of public easements or rights-of-way. (See Figure 3) *(Ordinance No. 192)*
19. “Auditor’s plat” means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor. *(Ordinance No. 208)*
20. “Bed and breakfast home” means an accessory use of a single-family residence for the accommodation of overnight guests, which such use is permitted through a home business permit addressing those standards for approval as well as the following: accommodations must be in the family home that the host/hostess is in residence; accommodations are limited to a maximum of two families at any one time; food shall be served only to overnight guests and not to the general public; upon arrival, guests shall register with the host/hostess their names, address, and license plate number of the vehicle being used by the guests and such records kept for a period of three years and be available for examination by Story County officials upon request; and other local and State regulations regarding any related permits and licenses are the responsibility of the applicant. *(Ordinance No. 192)*
21. “Berm” means a mound of earth used to shield, screen, or buffer undesirable views and to separate incompatible land uses. *(Ordinance No. 152)*
22. “Best management practices” (BMPs) means actions taken to keep soil and other pollutants out of streams and lakes, designed to protect water quality and to prevent new pollution.
23. “Block” means an area of land in a development clearly defined by roads, natural features, railroads, or other barriers to development.
24. “Board” means the Story County Board of Supervisors. *(Ordinance No. 184)*
25. “Board of Adjustment” (BOA) means the Story County Board of Adjustment. *(Ordinance No. 184)*
26. “Boarding or lodging house” means a building other than a hotel or motel, occupied as a single housekeeping unit, where lodging or meals are provided for three or more, but not exceeding eight, persons for compensation, but not for public or transient use.
27. “Build” means to move, erect, convert, enlarge, reconstruct, or structurally alter a building or structure. *(Ordinance No. 152)*
28. “Building” means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or chattels. When any portion thereof is separated by party walls without windows, doors or other opening, each portion so separated shall be deemed a separate building, except residence dwellings.

29. “Building sign” means any sign supported by or attached to any building. Depending on how a building sign is designed, scaled, and/or positioned, a building sign may be an external or internal sign.

30. “Bulk plant” means that portion of property where flammable liquids or gases are received by pipeline, tank cars or tank vehicles and are stored in bulk above the ground for the purpose of distributing such liquids or gases, by tank vehicle, pipeline tank car or container where the aggregate capacity of all storage on the property exceeds 6,000 gallons.

31. “Caliper” means the diameter of a tree measured six inches above the ground, if up to a four-inch caliper. For a larger caliper, the measurement is made 12 inches above the ground.

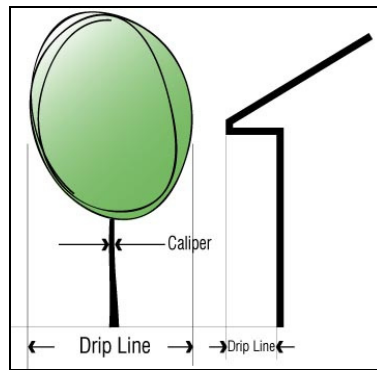


Figure 2 – Caliper and Drip Line

32. “Caretaker” means an employee who must be on the property for a substantial portion of each day for security purposes for vital care of people, plants, animals, equipment, or other conditions of the site, and who does not have an ownership in the property. *(Ordinance No. 155)*

33. “Change in use” means any use that substantially differs from the previous use of a building or land in which the new use requires, but is not limited to, additional parking, landscaping, screening, buffering, storm water management, signage or any other changes to the site. *(Ordinance No. 208)*

34. “Child care center” means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home as defined in Chapter 237A of the *Code of Iowa*, as amended. *(Ordinance No. 192)*

35. “Child care home” means a person or a program located in a single-family dwelling, providing child care to six or fewer children at any one time, operating only between the hours of 6:00 a.m. and 10:00 p.m. *(Ordinance No. 184) (Ordinance No. 192)*

36. “Church” means a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. *(Ordinance No. 184)*

37. “Co-location” means locating communications equipment for more than one provider on a single site. *(Ordinance No. 215)*

38. “Commercial WECS” means a WECS of equal to or greater than 100 kW in total name plate generating capacity. *(Ordinance No. 152) (Ordinance No. 208)*
39. “Commission” means the Story County Planning and Development Commission.
40. “Common open space” means undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.
41. “Common sewer system” means a central sewer collecting system available to each platted lot and discharging into a treatment facility, the construction and location of which is approved by the Story County Environmental Health Department and/or the State Board of Health. *(Ordinance No. 215)*
42. “Common water system” means a central water supply system available to each platted lot from one single source approved by the Story County Environmental Health Department. *(Ordinance No. 215)*
43. “Communication tower/facility” means a tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to, radio, television, cellular, PCS, telephone and microwave towers.
44. “Conditional use permit” means a permit issued for a use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval or denial by the Board of Adjustment. *(Ordinance No. 152)*
45. “Conservation subdivision” means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.
46. “Contiguous” means having a common border or being separated from such common border by an alley, easement, or other publicly dedicated and approved easement and/or roads.
47. “Convenience store” means a retail store generally containing less than 2,500 square feet of gross floor area designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic.
48. “Conveyance” means an instrument filed with the Story County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
49. “Corn suitability rating” (CSR) means the corn suitability rating provides an index for ranking the suitability for row crop production in Iowa. Corn suitability ratings range from 5 to 100, with 100 reserved for those soils: (i) located in areas of

most favorable weather conditions for Iowa; (ii) that have high yield potential; and (iii) that can be continuously row cropped. (A description of the CSR system, including CSR estimates for various soil types, may be found in the *Story County Soil Survey Report Supplement*, June 1984.)

50. “Correction plat” means a correction to a recorded plat where the purpose of the correction is to rectify any technical error on the plat. Any corrections made must be consistent with the approved preliminary plat.

51. “County” means Story County, Iowa. (Ordinance No. 184)

52. “Cumulative sign area” means the sum of the area of all signs of a given type on any one lot, parcel, or tract of land. (Ordinance No. 192)

53. “Deck” means an exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports. (Ordinance No. 152)

54. “Deck, freestanding” means a deck supported entirely by its own structure.

55. “Development” means any manmade change to improved or unimproved real estate including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

56. “Development agreement” means an agreement between the applicant and Story County that specifies the terms and conditions of improvements required with a subdivision.

57. “Development envelope” means areas within which grading, lawns, pavement, and buildings will be located.

58. “Development lot” means a lot on an approved plat designed and intended to be utilized for a principal permitted use or approved conditional use in the applicable zone district. “Development lot” does not include lots designed for or restricted to solely agricultural or open space uses.

59. “Direct light” means light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

60. “Director” means the person appointed by the Board of Supervisors to head the Planning and Development Department, including those persons designated by the Director to act in his/her place. (Ordinance No. 208)

61. “District” means an area or areas for which the district regulations governing the use of buildings and land or lot area and height of buildings are uniform.

62. “Division” means dividing a lot, parcel, or tract of land into two by conveyance. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purpose of the Ordinance. (Ordinance No. 192)

63. “Dock” means a structure built over or floating upon the water and used as a landing place for boats and other marine transportation, or for fishing, swimming, or other recreational uses. (Ordinance No. 192)

64. “Drip-line” means an area around the trunk of a tree that generally includes the spread of tree branches and also those areas around a structure beneath the roof overhang. (See Figure 2) (Ordinance No. 192)

65. “Driveway” means a private access road, the use of which is limited to persons residing, owning, employed with, or otherwise visiting the lot, parcel, or tract in which it is located. *(Ordinance No. 192)*

66. “Dwelling” means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home (except when a mobile home has been converted to real estate by destruction of the vehicular frame; attaching the mobile home to a permanent foundation; and notifying the Story County Assessor, who shall inspect for compliance and collect mobile home vehicle title from the owner and enter the property upon the tax roll). *(Ordinance No. 184)*

67. “Dwelling, multiple” means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

68. “Dwelling, non-farm” means any dwelling which is not an exempt farm house in accordance with Chapter 335, *Code of Iowa*, as amended. *(Ordinance No. 192)*

69. “Dwelling, single-family” means a detached residence designed for or occupied by one family only. The term includes manufactured homes when placed on permanent foundations, and converted to real property and taxed as a site-built dwelling as provided by law.

70. “Dwelling, two-family” means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

71. “Dwelling unit” means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

72. “Easement” means a legal interest in land, as defined in a document recorded in the office of the Story County Recorder, granted by the owner to another person or entity, which allows that person or entity the use of all or a portion of the owner’s land, generally for a stated purpose, including, but not limited to, access or placement of utilities. (See Figure 3)

(Ordinance No. 152) (Ordinance No. 184) (Ordinance No. 192)

73. “Easement, conservation” means the grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development. *(Ordinance No. 184)*

74. “Easement, public” means an easement granted to and accepted by a governmental entity for use by the general public.

75. “Elder family home” means a private household as defined by Chapter 335.31, *Code of Iowa*, as amended, owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care. An elder family home shall be registered in accordance with Section 231A.2, *Code of Iowa*, as amended. *(Ordinance No. 192)*

76. “Electronic display screen” means a sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays. *(Ordinance No. 184)*

77. “Electronic message center” means any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. *(Ordinance No. 184)*

78. “Existing resources inventory” means a map or a series of maps, or in a digital format, drawn at a scale of one inch equals 100 feet, indicating the locations of all naturally occurring resources on a property and showing the relationship of the subject property to naturally occurring resources existing within 1,000 feet of the site. *(Ordinance No. 184)*

79. “External sign” means any sign primarily designed, scaled, and/or positioned to convey commercial or noncommercial information or messages beyond the bounds of the property on which the sign is located.

80. “FAA” means Federal Aviation Administration.

81. “Factory-built home” means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly, on a building site. For the purpose of the Ordinance, a factory-built home includes mobile homes, manufactured homes and modular homes and also includes recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use. *(Ordinance No. 184) (Ordinance No. 192)*

82. “Factory-built structure” means any structure which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation on a building site. Factory-built structure includes the terms mobile home and manufactured home.

83. “Fall zone” means the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure. *(Ordinance No. 152)*

84. “Family” means an individual, or two or more persons related to one another by blood, marriage, or legal adoption, including foster children and not more than two roomers; or in the alternative, not more than three unrelated persons.

85. “Family home” means any community-based residential home that is licensed as a residential care facility under Chapter 135C, *Code of Iowa*, as amended, or as a child foster care facility under Chapter 237, *Code of Iowa*, as amended, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237, as amended. A family home also means an elder family home. *(Ordinance No. 192) (Ordinance No. 208)*

86. “Farm, retail or novelty” means a farm that, in addition to crop and/or livestock production, offers services or products, whether seasonal or not, for sale to the public on-site which are uniquely tied to the heritage or current practice of agriculture in Iowa, including but not limited to: tours, demonstrations, petting zoos and the like, and retail sales of fruits, vegetables, pumpkins and melons, berries, trees, or other agricultural crops. This definition is not applicable to those structures or uses determined to be agriculturally exempt from County zoning authority according to Chapter 335 of the *Code of Iowa*, as amended. (Ordinance No. 192)

87. “Farmstead” means a combination of structures, with dwelling, yards, windbreaks, well and other improvements which are held and operated in conjunction with agricultural crop and/or livestock production. An existing farmstead shall be defined as: the combination of farm dwelling and any farm accessory buildings, well, or windbreak plantings used or previously used and occupied by a person or family employed, fully or partially, in the agricultural pursuits of the farm on which it is located. To qualify as an existing farmstead for the purpose of being severed from the farm the following minimum criteria must all be met:

- A. The farm dwelling shall have been constructed prior to June 30, 1977.
- B. The farmstead shall not have been converted to crop production.
- C. Minimum evidence of the farmstead’s existence shall include:
 - (1) Previous tax records establishing existence of the farm dwelling; or
 - (2) Existence of 75 percent of the farm dwelling’s foundation; or
 - (3) Conclusive evidence from aerial photographs of the dwellings existence.

88. “FCC” means the Federal Communications Commission.

89. “Feeder line” means any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS. (Ordinance No. 152)

90. “Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

91. “Fixture” means the assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

92. “Foundation location inspection” means inspection of a structure’s setbacks from property lines after forms have been placed, prior to the pouring of concrete or similar materials. In the case of uses without a foundation, such as co-locations and similar uses, the foundation location inspection is scheduled prior to completing any site improvements, and may require the applicant to flag (or by some other means) define the area of proposed improvements. (Ordinance No. 192)

93. “Fraternity or sorority house” means a building other than a hotel which is arranged, intended, or designed to be occupied as a residence for a club or more than five members there residing as established under the provisions of Section 504A, *Code of Iowa*, as amended. **(Ordinance No. 192)**
94. “Frontage” means that width of the side of the lot, parcel, or tract abutting the public right-of-way; the front lot line. **(Ordinance No. 184) (Ordinance No. 192)**
95. “Fully shielded lights” means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
96. “Glare” means direct light emitted from a luminaire with intensity great enough to cause visual discomfort, eye fatigue, a reduction in a viewer’s ability to see, or in extreme cases momentary blindness. **(Ordinance No. 192)**
97. “Golf course” means a lot, parcel, or tract of land laid out for at least nine holes for playing the game of golf, whether public or private, and improved with tees, greens, fairways, and other game related hazards within which the area is not artificially illuminated. A golf course may include a clubhouse, restrooms, driving range, pitch-and-putt practice range, and shelters as accessory uses, but excludes miniature golf courses. The clubhouse may provide additional services customarily furnished such as swimming and related retail sales that may include a restaurant and cocktail lounge if approved as part of the required conditional use permit. **(Ordinance No. 192)**
98. “Governing body” means a city council or the board of supervisors, within whose jurisdiction the land is located, which has adopted ordinances regulating land use. **(Ordinance No. 208)**
99. “Government lot” means a tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.
100. “Grade, finished” means the lowest point of elevation of the existing surface of the ground, within the area between the structure and a line five feet from the structure. **(Ordinance No. 192) (Ordinance No. 208)**
101. “Gross floor area” means the sum of the gross horizontal area of floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be between the exterior faces of walls.
102. “Ground clearance” means the distance between the ground and the lowest point or a blade tip of a wind turbine. (See Figure 11) **(Ordinance No. 184)**
103. “Groundwater” means the supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water. **(Ordinance No. 184)**
104. “Guyed tower” means a communications tower that is supported, in whole or in part, by guy wires and ground anchors. (See Figure 10)
105. “Height, structure” means the vertical distance of a structure measured from the average elevation of the finished grade lying 15 feet from the structure to the highest point of the roof or parapet, for flat roofs, or the mid-point between the eaves and the ridge, for sloped roofs.

106. “Height, tower” means the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna, in reference to a tower or other structure. (See Figure 10)

107. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either: an approved State program as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

108. “Home business permit” means permitted use of limited commercial activity accessory to a dwelling in a designated district when in conformance with the standards for approval set forth in the Ordinance. A home business is allowable only on a lot, parcel, or tract of land which contains an occupied dwelling. A home business is an activity which is confined totally within a dwelling or within an accessory building separate from a dwelling when permitted in the base zone district.

(Ordinance No. 192)

109. “Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

110. “Impervious surface” means any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface includes graveled driveways and parking areas, and any surface compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes such surfaces as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking, lots and other similar structures.

111. “Interagency Review Team” means Story County staff members, including but not limited to: Story County Conservation Director (or designee); Story County Engineer (or designee); Planning and Development Director (or designee); Story County Environmental Health Department Director (or designee); Story County Emergency Management Coordinator (or designee); Story County Auditor (or designee); and Story County Assessor (or designee).

(Ordinance No. 160) (Ordinance No. 184) (Ordinance No. 208) (Ordinance No. 215)

112. “Internal sign” means any sign primarily designed, scaled, and/or positioned to convey commercial or noncommercial information or messages within the bounds of the property on which the sign is located. Additionally, any sign 16 square feet or greater in area, or eight feet or greater in height is not an internal sign.

113. “Junk or salvage” means materials including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, appliances, furniture, equipment, building demolition materials or structural steel materials, and dismantled, wrecked, or junked vehicles or machinery, or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material.

(Ordinance No. 208) (Ordinance No. 215)

114. “Junk or salvage yard” means any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition also includes auto or other vehicle or machinery wrecking or dismantling activities. This definition does not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractors’ storage yards. There shall be no more than three junked vehicles on any lot, parcel or tract in any district unless properly zoned and/or approved as a conditional use as permitted by the Board of Adjustment. The presence on any lot, parcel or tract of land of three (3) or more abandoned, wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. This does not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.

(Ordinance No. 208) (Ordinance No. 215)

115. “Junked vehicle” means a motorized vehicle, including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which does not have a current Iowa Department of Transportation registration or its equivalent and/or has either had parts removed for reuse, salvage, or sale or the vehicle has been incapable of operating under its own power for more than 90 days.

(Ordinance No. 215)

116. “Kennel” means any lot, parcel, or tract or premises used for the commercial sale, boarding or breeding of dogs, cats or other household pets. Kennel also means the keeping of five or more dogs, cats or other household pets of the mammal group over the age of six months.

(Ordinance No. 192)

117. “Lamp” means the component of a luminaire that produces the actual light.

118. “Land Evaluation and Site Assessment (LESA) System” means a point system that evaluates a site’s suitability for agricultural use in relation to soil productivity and locational, economic, and governmental factors. The LESA System consists of two parts:

A. Land Evaluation. The land evaluation part rates soil productivity. Soils are rated and placed into groups according to their suitability for a stated agricultural use (i.e. cropland). Relative point values are assigned to each group.

B. Site Assessment. The site assessment part identifies locational and other factors, other than soil productivity, that contribute to the suitability of a site for agricultural use. Each factor is weighted and assigned a range of values according to local needs and objectives.

The result of the LESA evaluation is a numerical score for a given site ranging from 0-300 points, with higher scores indicating a higher suitability for agricultural use. The LESA System was adopted by Story County by Board of Supervisors Resolution No. 86-11 as an agricultural land evaluation tool, replacing Story County's use of the Corn Suitability Rating system prior to 1986. *(Ordinance No. 184)*

Table 85-2 – LESA Evaluation Scoring

PART ONE (LAND EVALUATION)	POINTS	WEIGHT FACTOR	LE SCORE
1.1 Average Site Value	100 max.	1	100
PART TWO (SITE ASSESSMENT)	POINTS	WEIGHT FACTOR	SUB TOTAL
2.1 Percent of Area in Agriculture Within One Mile of Site	10 max.	3	30
2.2 Land in Agriculture Adjacent to Site	10 max.	3	30
2.3 Adjacent Zoning	10 max.	3	30
2.4 Agriculture Support Systems/Services	10 max.	2	20
2.5 Land Use Compatibility	10 max.	2	20
2.6 Distance to Urban Built-Up Area	10 max.	2	20
2.7 Compatibility of Site for Agricultural Use	10 max.	2	20
2.8 Distance to Municipal Water System	10 max.	1	10
2.9 Distance to Municipal Sanitary Sewer System	10 max.	1	10
2.10 Availability of Municipal Public Transit	10 max.	1	10
	MAXIMUM SA SCORE		200
LESA SCORE	TOTAL 300 max.		

119. “Lattice tower” means a self-supporting tower with three or four sides, open, steel frame structure used to support communications equipment. (See Figure 10)

120. “Legally established lot of record” means a legally established, nonconforming lot of record that was made nonconforming, with regard to minimum lot size, by an amendment to the regulations in effect at the time the lot, parcel, or tract was created. A legally established, nonconforming lot of record may be built on the minimum lot size which was required by the regulations in effect at the time the lot, parcel, or tract was created. This definition includes established lots called “wood lots” if it has been verified that the lots have been transferred (through the review of the transfer books) as originally established, and that their configurations have not changed through the years. *(Ordinance No.160) (Ordinance No. 192)*

121. “Legally established, nonconforming luminaires” means luminaires not conforming to the Ordinance in place at the time the Ordinance went into effect.

122. “Light trespass” means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

123. “Livestock” means cattle, horses, sheep, swine, poultry, and any other animal or fowl which are being produced primarily for use as food or food products for human consumption.

124. “Loading space” means any off-street space or berth on the same lot, parcel, or tract with a building or contiguous to a group of buildings for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials. **(Ordinance No. 192)**

125. “Local residential street” means a local service street used primarily for access to abutting property.

126. “Lot” means a tract of land represented and identified by number or letter designation on an official plat or a designated tract established as permitted by law, to be separately owned, used, and potentially developed or built upon. (See Figure 3)

(Ordinance No. 160) (Ordinance No. 192)

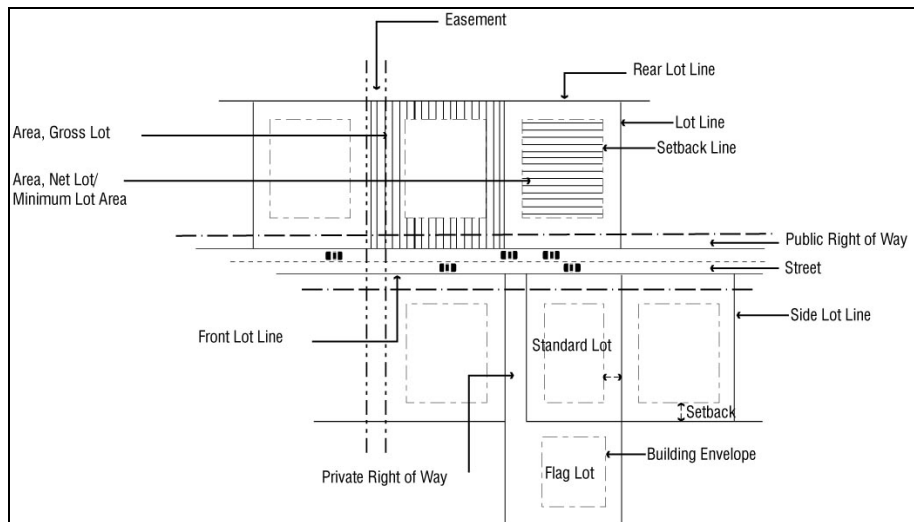


Figure 3 – Lot

127. “Lot, corner” means lots, parcels, or tracts conforming to the following specified conditions shall be considered as corner lots for the purpose of the Ordinance:

A. A lot, parcel, or tract fronting on two intersecting streets that form an interior angle of 135 degrees or less, and which lot, parcel, or tract has a frontage of not less than 25 feet on such streets.

B. A lot, parcel, or tract located at the angle in a street where the interior angle formed by the intersection of the street lines is 135 degrees or less, and which lot, parcel, or tract has a frontage of not less than 25 feet on each leg of such angle. (See Figure 4) **(Ordinance No. 192)**

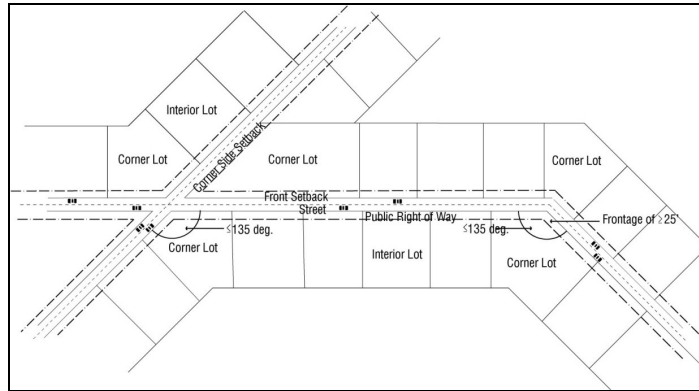


Figure 4 – Corner Lots

128. “Lot, depth of” means the mean horizontal distance between the front and rear lot lines. (See Figure 5) *(Ordinance No. 208)*

129. “Lot, flag” means a lot, parcel, or tract, where the building area is situated behind another lot, parcel, or tract and which has a narrow frontage extended to a street or road. The term flag lot refers to the shape of the lot, parcel, or tract. (See Figure 3) *(Ordinance No. 192) (Ordinance No. 215)*

130. “Lot, interior” means a lot, parcel, or tract other than a corner lot. (See Figure 4) *(Ordinance No. 192)*

131. “Lot line” means a property line bounding a lot, parcel, or tract, exclusive of public easements for street or road purposes. (See Figure 3) *(Ordinance No. 192)*

132. “Lot line, flag” means, on a flag lot, the lot, parcel, or tract line essentially parallel to, and between, the front and rear lot lines. (See Figure 3) *(Ordinance No. 192)*

133. “Lot line, front” means the lot, parcel, or tract line separating a lot, parcel, or tract from a street/road right-of-way or road easement. (See Figure 3) *(Ordinance No. 192)*

134. “Lot line, rear” means the lot, parcel, or tract line opposite and most distant from the front lot line. (See Figure 3) *(Ordinance No. 192)*

135. “Lot line, side” means any lot, parcel, or tract line other than a front, rear or flag lot line. (See Figure 3) *(Ordinance No. 192)*

136. “Lot of record” means a lot, parcel, or tract, the contract or deed to which has been recorded in the office of the County Recorder prior to the effective date of the Ordinance, as amended. *(Ordinance No. 192) (Ordinance No. 208)*

137. “Lot, through” means a lot, parcel, or tract having frontage on two non-intersecting streets, as distinguished from a corner lot. *(Ordinance No. 192)*

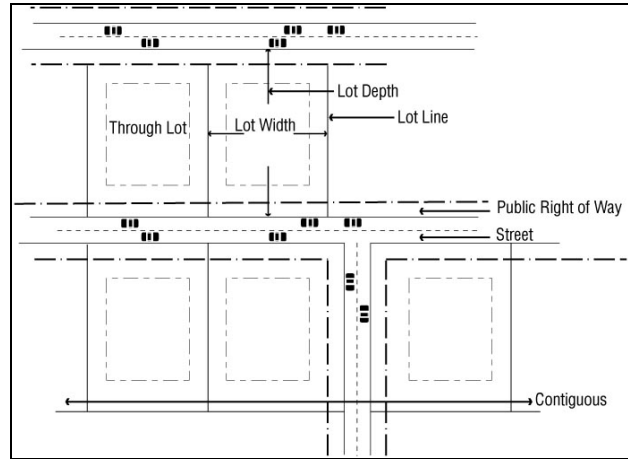


Figure 5 – Through Lot

138. “Lot width,” unless otherwise specified, means the average of the width of a lot, parcel, or tract at its rear and the width of the lot, parcel, or tract at its front. (See Figure 5) *(Ordinance No. 192)*

139. “Lumen” means a unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen output ratings of a lamp.

140. “Luminaire” means a complete lighting system, and includes a lamp or lamps and a fixture.

141. “Manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 United States Code Sec. 5403, as amended, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided. *(Ordinance No. 192)*

142. “Maximum extent feasible” means when no prudent or feasible alternative exists and all possible efforts to comply with regulations and minimize potential harm or adverse impacts have been undertaken.

143. “Meteorological tower” means, for the purposes of the Ordinance, those towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. *(Ordinance No. 152)*

144. “Metes and bounds description” means a description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the lot, parcel, or tract by reference to physical features of the land. *(Ordinance No. 192)*

145. “Minimum lot area” means the minimum required lot, parcel, or tract net area. (See Figure 3) *(Ordinance No. 184) (Ordinance No. 192)*

146. “Mini-warehousing” means a building or group of buildings containing individual, compartmentalized, controlled access units for the inside storage of goods or wares.

147. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not a manufactured home unless it has been legally converted, prior to July 1, 1984, to real property and taxed as a site-built dwelling, as provided in Section 435, *Code of Iowa*, as amended. Except as hereinafter provided, a mobile home is only permitted in a licensed mobile home park. (Ordinance No. 184)

148. “Mobile home park” means any lot, parcel, or tract of land upon which two or more occupied mobile homes are located for residential use, either free of charge or for revenue purposes. (Ordinance No. 192) (Ordinance No. 215)

149. “Monopole tower” (self-support tower) means a communication tower consisting of a single pole, constructed without guy wires and ground anchors. (See Figure 11)

150. “Motel or tourist home” means a permanent building, or group of buildings, designed or arranged primarily for temporary occupancy as a dwelling for transient guests and arranged to provide space for parking vehicles used by the traveling public. Such building, or group of buildings, may include quarters for the use of operating personnel.

151. “Museum” means an institution devoted to the procurement, care, study, and display of objects of lasting historical, educational, or cultural interest or value. Museums may be indoor/outdoor facilities and may include such amenities as restaurant/banquet facilities, meeting rooms, demonstration areas, tourist convenience and souvenir items.

152. “Native prairie remnant” is included in the definition of prairies and wetlands, as referenced in Section 427.1(23) and 456B.1 of the 2005 *Code of Iowa*, as amended, which definition also includes sites that qualify as prairie remnants according to other appropriate prairie-assessment tools, including the Iowa Floristic Quality List of Coefficients of Conservatism maintained by the U.S. Fish and Wildlife Service at the Neal Smith National Wildlife Refuge. (Ordinance No. 192)

153. “Naturally occurring resources” means inventory and mapping of existing environmental and cultural resources including the following:

- A. Topographic contours at five-foot intervals existing within 1,000 feet of the site.
- B. Soil type locations and identification of soil type characteristics, including (but not limited to) hydric soils, agricultural capability, suitability for dwellings with basements, and suitability for wastewater disposal systems.
- C. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, depth to water table, and steep slopes existing within 1,000 feet of the site.

D. Land cover on the site, according to general cover type (native prairie remnants, pasture, woodland, etc.), and stand-alone significant trees with a caliper of more than four inches measured four feet off the ground. The inventory shall include comments on the health and character or quality of the vegetation as well as a comprehensive listing of all non-invasive tree species.

E. Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, including but not limited to easements or covenants.

F. Known critical habitat areas for rare, threatened or endangered species existing within 1,000 feet of the site.

G. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas.

H. Unique geological resources, including but not limited to rock outcrops and glacial features.

I. Cultural resources, including a brief description of historic character of buildings and structures, historically important landscapes, and archeological features. This includes a review of existing inventories, including those the Iowa State Archeologist maintains for historic buildings, archaeological sites, and burial sites. *(Ordinance No. 192)*

154. "Natural resource areas" is a designation on the *Story County Development Plan – Land Use Framework*. *(Ordinance No. 184)*

155. "Neighborhood scale" means the atmosphere or physical environment that is created by the combination of land use and buildings within an area. Neighborhood scale is established and influenced by land use types and intensity, traffic generation, and also by the location, size, and design of structures as well as the interrelationship of all these features.

156. "Non-commercial solar energy system (SES)" means a solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered a non-commercial solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. *(Ordinance No. 219)*

157. "Non-commercial wind energy conversion system (WECS) means a wind energy conversion system consisting of a wind turbine, a tower, and/or associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. *(Ordinance No. 219) (Ordinance No. 152)*

158. "Nonconforming sign" means any sign or signs that do not conform to all the provisions of these regulations.

159. “Nonconformity” means any structure, use of structure, use of a lot, parcel, or tract of land, or use of structures and land in combination, which does not conform to the applicable regulations of the Ordinance. *(Ordinance No. 192)*

160. “Nonconformity, legally established” means any structure, use of land, use of structures, or use of land and structures in combination, which were lawful at the time of their creation but which are now prohibited, regulated, or restricted under the provisions of the Ordinance.

161. “Nursery” means land or greenhouses used for the limited sale of flowers, plants, shrubs, trees and vegetables, and may also include yard waste collection wherein yard waste is defined as plant material that comes from lawn maintenance and other gardening and landscaping activities, including grass, leaves, prunings, brush, shrubs, tree limbs and garden materials. This definition does not include a yard waste composting facility as defined herein. *(Ordinance No. 152)*

162. “Official plat” means either an auditor’s plat or a subdivision plat that meets the requirements of the Ordinance and has been filed for record in the offices of the Recorder, Auditor, and Assessor. *(Ordinance No. 192)*

163. “Outdoor lighting” means the illumination of an outside area or object by any manmade device located outdoors that produces light by any means. *(Ordinance No. 208)*

164. “Outlot” means a remnant of a lot, parcel, or tract of land leftover after platting, which is intended to be used as open space or for a future subdivision, for which no zoning permit shall be issued. *(Ordinance No. 192)*

165. “Owner” means the person who holds the fee simple title to the property and/or the person or persons who have acquired any interest in the property by contract or purchase or otherwise. *(Ordinance No. 152) (Ordinance No. 208)*

166. “Parcel” means a part of a lot or tract of land. *(Ordinance No. 192)*

167. “Parcel division description” means the division of a parcel of land other than by subdivision or metes and bounds description, including:

- A. By dimension in a designated direction (e.g. the east 330’ of Tract A)
- B. By area, specified or proportionate (e.g. the east ½ of Tract 14)
- C. By exception of portion not conveyed (e.g. Tract A except the east 330’)
- D. By division line between parcels (e.g. portion lying east of the following described line...) *(Ordinance No. 192)*

168. “Parcel of record” means a parcel for which the contract or deed has been recorded in the office of the County Recorder prior to the effective date of the Ordinance.

169. “Parks” means public and private non-commercial parks, playgrounds, recreation areas and facilities, and swimming pools; institutional or community recreational centers, except golf courses, miniature golf courses, or practice driving ranges. *(Ordinance No. 184)*

170. “Patio” means a floor usually made of concrete, brick, or other masonry material, which has an average elevation of not more than 30 inches, and which contains a roof and/or walls, and which is open on one or more sides.

(Ordinance No. 192)

171. “Pennant sign” means any lightweight material suspended from a rope, wire, or string and displayed in a series with or without a message, designed to move in the wind. (See Figure 6)

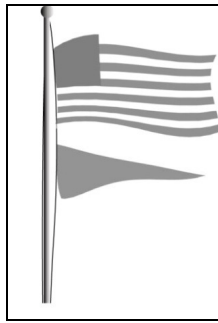


Figure 6 – Pennant Sign

172. “Permanent site” means any lot, parcel, or tract of land on which a mobile home or manufactured home is located, on a permanent foundation, for 90 consecutive days except a construction site when the mobile home or manufactured home is used by a commercial contractor as a construction or storage room.

(Ordinance No. 192)

173. “Permit” means written permission issued by the Director, or designee, empowering the applicant to begin an activity not forbidden by law but not allowed without such authorization.

(Ordinance No. 192) (Ordinance No. 215)

174. “Plat” means a map, drawing or chart on which the subdivider’s plan of subdivision is presented and which is submitted for approval and intended to be recorded in final form.

(Ordinance No. 208)

175. “Plat of survey” means the graphical representation of a survey of one or more lot, parcel, or tract of land, including a complete and accurate description of each lot, parcel, or tract within the plat, prepared by a registered land surveyor.

(Ordinance No. 192)

176. “Pool” means an artificial basin and its appurtenances, either constructed or operated for swimming, wading, or diving, and includes a swimming pool, wading pool, waterslide, or associated bathhouse. “Swimming pool” does not include a decorative fountain that does not serve primarily as a wading or swimming pool and the drain of which fountain is not connected to any type of suction device for removing or recirculating the water.

177. “Porch” means a roofed, open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building.

(Ordinance No. 152)

178. “Portable sign” means any sign not permanently attached to a structure or the ground, or sign designed to be transported by wheels and also includes signs painted on vehicles unless the vehicle is used for everyday business. Depending on how a

portable sign is designed, scaled, and/or positioned, a portable sign may be an external or internal sign.

179. “Preliminary development permit” means a permit issued by the Planning and Development Director or designee after review of an application for zoning permit granting preliminary approval to begin to perform earthwork on a property and set forms in place prior to the foundation location inspection.

180. “Principal building” means a building in which is conducted the principal use of the lot, parcel, or tract on which it is located. (See Figure 12) *(Ordinance No. 192)*

181. “Principal use” means the primary or predominant use of any lot, parcel, or tract. *(Ordinance No. 192)*

182. “Proprietor” means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

183. “Public improvements” means any land and improvements thereon dedicated to the public and accepted by a governmental entity, including (but not limited to) streets, parks, schools, and open space.

184. “Public use area” means parks, playgrounds, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; auditoriums, stadiums, gymnasiums or comparable facilities; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

185. “Public notice” means the advertisement of a public hearing in a paper of general circulation, other media sources, and Story County’s website, indicating the time, place and nature of the public hearing and where the application and pertinent documents may be inspected. *(Ordinance No. 184) (Ordinance No. 208)*

186. “Public schools” means public schools and accredited private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping except such quarters as are necessary for custodians. *(Ordinance No. 184)*

187. “Recreational vehicle” means a vehicle that is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently tow able by a light duty truck; and
- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

(Ordinance No. 184) (Ordinance No. 192)

188. “Residential parcel subdivision” means a subdivision of land where a parcel of record containing a dwelling and/or farmstead as defined in this chapter is subdivided and the vacant remainder parcel is considered buildable for the purposes of establishing a single-family dwelling. *(Ordinance No. 215)*

189. “Right-of-way” means a right belonging to a party to pass over land of another, usually with regards to a public or private roadway. (See Figures 3, 4 and 5)
(Ordinance No. 152)

190. “Rotor diameter” means the diameter of the circle described by the moving rotor blades. (See Figure 11)
(Ordinance No. 152)

191. “Sensitive environmental conditions” means areas of severe slope or erosion potential, flood hazard areas, mineral or other non-renewable resource areas, hydrologically sensitive areas, significant vegetation, soils with severe limitations to development, or other natural features which would indicate that uses and densities permitted would be inappropriate.
(Ordinance No. 152)

192. “Service vehicles” means all vehicles used solely in conjunction with the permitted home business and/or containing signage advertising the products or services offered by the permitted home business. “Service vehicles” includes (but is not limited to) cars, trucks, vans, and trailers used for deliveries or house calls, supplies and equipment transport, or provision of services offered by the home business.

193. “Setback” means the required minimum distance between a building and the nearest lot, parcel, or tract line, public easement or right-of-way. The setback of the building for front, rear and side yards shall in all cases be measured at a right angle from the lot, parcel, or tract line to the nearest point of the adjacent wall of the building. (See Figure 3)
(Ordinance No. 192)

194. “Setback line” means that line that is the required minimum distance from the nearest lot, parcel, or tract line and that establishes the area within which the structure must be erected or placed. (See Figure 3) (Ordinance No. 192) (Ordinance No. 208)

195. “Shared driveway” means a single driveway serving two or more adjoining lots, parcels, or tracts. (See Figure 12)
(Ordinance No. 192)

196. “Sign” means any device that uses, or can use, illustrations, graphics, words, or illumination to advertise, announce the purpose of, or identify a person or entity, or to communicate any type of information to the public.
(Ordinance No. 192)

197. “Significant tree” means a deciduous tree with a caliper of greater than four inches measured four feet off the ground or a coniferous tree taller than 15 feet. (See Figure 7)

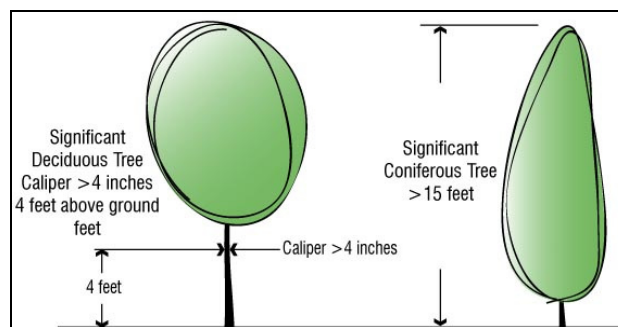


Figure 7 – Significant Tree

198. “Solar-oriented lot” means:

A. A lot with a front lot line oriented to within 30 degrees of a true east-west line. When the lot line abutting a street is curved, the front lot line shall mean the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line shall mean the lot line that is most parallel to the closest street, excluding the pole portion of the flag lot.

B. A lot which, when a straight line is drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback, is oriented to within 30 degrees of true north along said line.

C. A corner lot with a south lot line oriented to within 30 degrees of a true east-west line, which south lot line adjoins a public street or permanently reserved open space; provided, however, the abutting street right-of-way or open space has a minimum north-south dimension of at least 50 feet. For the purposes of this definition, “permanently reserved open space” includes, without limitation, parks, cemeteries, golf courses and other similar outdoor recreation areas, drainage ditches and ponds, irrigation ditches and reservoirs, lakes, ponds, wetlands, open spaces reserved on plats for neighborhood use and other like and similar permanent open space. (See Figure 8)

(Ordinance No. 152)

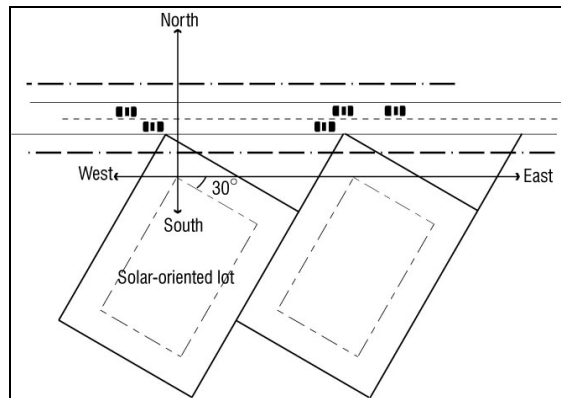


Figure 8 – Solar-Oriented Lot

199. “Stable, public and riding academy” means a building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

200. “Story” means that portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

201. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

202. “Street” means any vehicular way that: (i) is an existing state, county, or municipal roadway; (ii) is shown upon a plat approved pursuant to law; (iii) is approved by other official action; or (iv) is shown on a plat duly filed and recorded in the office of the County Recorder; and includes the land between the street lines, whether improved or unimproved. (See Figure 9) *(Ordinance No. 215)*

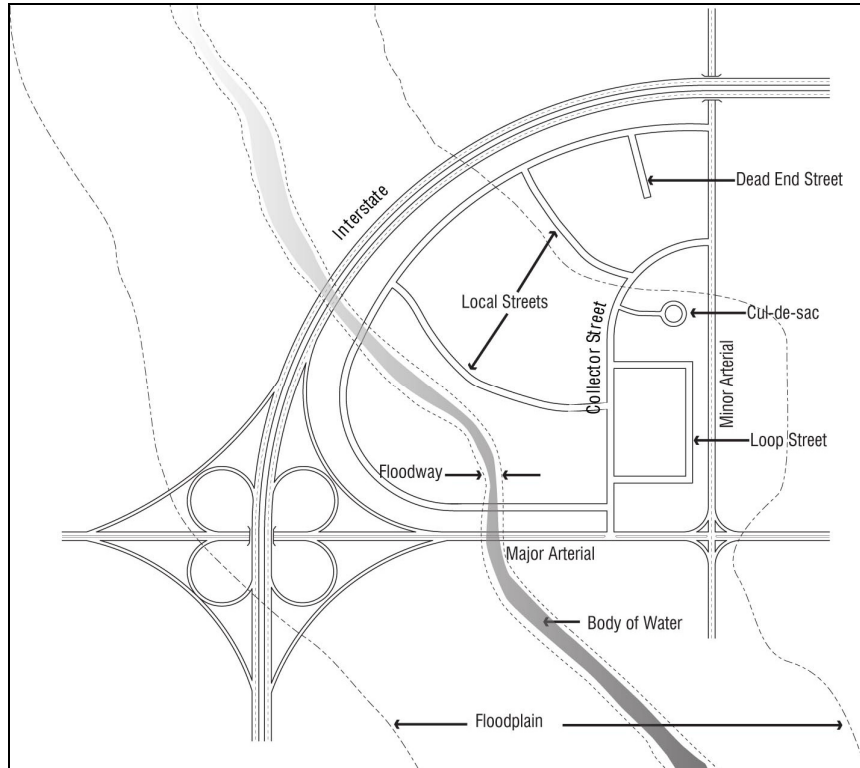


Figure 9 – Street System

203. “Street, collector” means a street that collects traffic from local streets and connects with minor and major arterials. (See Figure 9)

204. “Street, cul-de-sac” means a street with a single common ingress and egress and with a turnaround at the end. (See Figure 9)

205. “Street, dead-end” means a street with a single common ingress and egress. (See Figure 9)

206. “Street, local” means a street designed to provide vehicular access to abutting property and to discourage through traffic. (See Figure 9)

207. “Street, loop” means a local street that has its only ingress and egress at two points on the same street. (See Figure 9)

208. “Street, major arterial” means a street with access control, canalized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials. (See Figure 9)

209. “Street, minor arterial” means a street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets. (See Figure 9)

210. “Street, private” means a street that has not been accepted by the County, serving four or fewer lots, parcels, or tracts in subdivisions of four or fewer.

(Ordinance No. 192)

211. “Structural alteration” means any increase, change or alteration in the size or height of the building or structure.

212. “Structure” means a combination of materials to form construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

(Ordinance No. 184)

213. “Structure, temporary” means a structure used temporarily without any foundation or footings used for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction, and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

(Ordinance No. 192)

214. “Subdivision” means a lot, parcel, or tract of land divided into three or more lots. The division of land into aliquot parts not involving any new road, street, easement or other dedication, is not considered a subdivision as defined above and shall not be further divided without meeting all of the requirements of the Ordinance.

(Ordinance No. 192)

215. “Substations” means any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 volts (35KV) for interconnection with high voltage transmission lines shall be located outside of the road right-of-way.

(Ordinance No. 152)

216. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542.B, *Code of Iowa*, as amended.

(Ordinance No. 192)

217. “Total height (WECS)” means the highest point, above ground level, reached by a rotor tip or any other part of the WECS. (See Figure 11)

(Ordinance No. 152)

218. “Tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers and all communication towers, alternative tower structures, and the like. (See Figure 10)

(Ordinance No. 184)

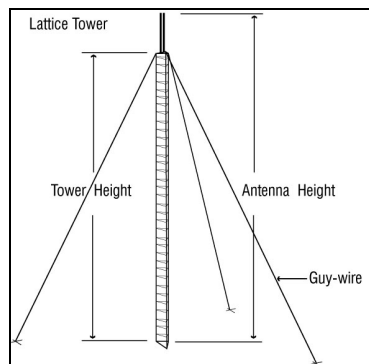


Figure 10- Tower

219. "Tower (WECS)" means vertical structures that support the electrical generator, rotor blades, or meteorological equipment. (See Figure 11)

(Ordinance No. 152) (Ordinance No. 184)

220. "Tower height (WECS)" means the total height of the WECS exclusive of the rotor blades. (See Figure 11)

(Ordinance No. 152)

221. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

222. "Transmission line" means those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

(Ordinance No. 152)

223. "Travel trailer" means a recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight feet in width and 32 feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.

224. "Travel trailer park, commercial campground" means:

A. Any lot, parcel, or tract of land permitted and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes, tent trailers, tents, or similar devices used for temporary portable housing. Such use shall be permitted during the months of May, June, July, August, and September. During the months of October through April, the use shall not exceed 30 days' duration and shall be solely for living and/or sleeping purposes.

(Ordinance No. 192)

B. Unoccupied mobile homes, travel trailers, campers, converted buses, motor homes, tent trailers or similar devices may be located in travel trailer parks for storage purposes as per the following:

(1) A specific area must be designated as a storage area and all vehicles shall be located in this area during such time as the use is for storage.

(2) A site plan shall be submitted identifying the sites for occupied use and sites for storage.

(Ordinance No. 184) (Ordinance No. 192)

225. "Unincorporated area" means the entire area of Story County, Iowa, except that portion included within the corporate limits of any city or town located in said County.

(Ordinance No. 152)

226. "Use" means the purpose or purposes for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

(Ordinance No. 152)

227. "Variance" means permission granted by the Board of Adjustment to vary the literal requirements of the Ordinance.

228. “Violation” means the failure of a use, structure or other development to be fully compliant with the terms of the Ordinance. *(Ordinance No. 184)*

229. “Wind Energy Conversion System (WECS)” means an electrical generating facility comprised of one or more wind turbines and accessory facilities, including (but not limited to) power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid. *(Ordinance No. 152)*

230. “Wind turbine” means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (See Figure 11) *(Ordinance No. 152)*

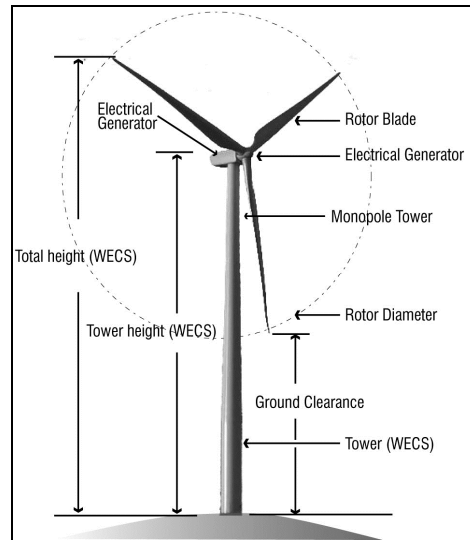


Figure 11 – Wind Turbine

231. “Yard” means an open space on the same lot, parcel, or tract with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in the Ordinance. (See Figure 12) *(Ordinance No. 192)*

232. “Yard, front” means a space extending the full width of the lot, parcel, or tract between any building and the front lot line and measured perpendicular from the front lot line to the closest point of the building. (See Figure 12) *(Ordinance No. 192)*

233. “Yard, rear” means a space extending across the full width of the lot, parcel, or tract between the principal building and the rear lot line and measured perpendicular from the rear lot line to the closest point of the building. (See Figure 12) *(Ordinance No. 192)*

234. “Yard, required” means the open space between a lot, parcel, or tract line, public easement or right-of-way, and the setback line. (See Figure 12) *(Ordinance No. 192)*

235. “Yard, side” means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the building. (See Figure 12)

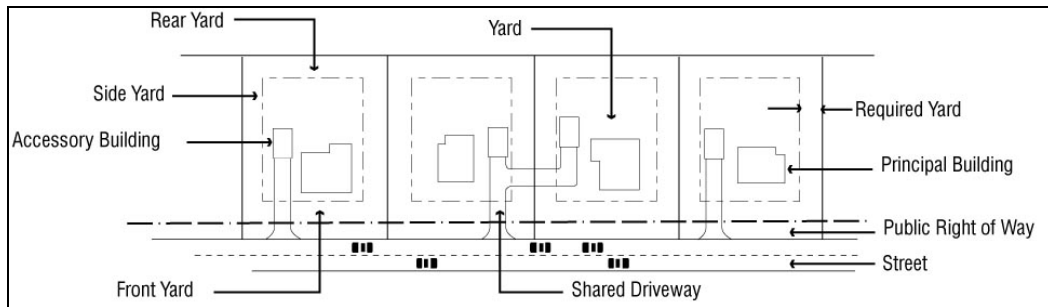


Figure 12 – Yards

236. “Yard waste composting facility” means a facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material. The term includes land affected during the lifetime of the operation, including (but not limited to) areas where composting actually occurs, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site or contiguous collection and transportation activities, and other activities in which the natural surface has been disturbed as a result of or incidental to operation of the facility.

237. “Zoning permit” means a lawful permit issued by the Planning and Development Director of Story County, Iowa, or his/her designee, for the erection, reconstruction or alteration of a building or structure or use of land.

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